

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS HILL,

Petitioner,

Case No. 10-13436

v.

CINDI CURTIN,

Hon. John Corbett O'Meara
Hon. Paul J. Komives

Respondent.

**ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*
ON APPEAL AND FOR CERTIFICATE OF APPEALABILITY**

Before the court is Petitioner's application to proceed *in forma pauperis* on appeal. The court may grant *in forma pauperis* status if the court finds that an appeal is being taken in good faith. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24 (a); Foster v. Ludwick, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). Good faith requires a showing that the issues raised are not frivolous. Id. In the present case, the court will DENY Plaintiff leave to appeal *in forma pauperis*, because the appeal would be frivolous for the reasons stated in the magistrate judge's August 29, 2012 report and recommendation and this court's November 1, 2012 order adopting the report and recommendation. See Allen v. Stovall, 156 F. Supp. 2d 791, 798 (E.D. Mich. 2001).

Petitioner also seeks a certificate of appealability. The court has already denied a certificate of appealability by adopting the magistrate's recommendation on November 1, 2012. Accordingly, Petitioner's request for a certificate of appealability is DENIED.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: November 27, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 27, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager